

QUANTITY: 5,770 100-tablet btl. at Streator, Ill.

SHIPPED: 5-8-56, from Pauline, Kans.

LABEL IN PART: (Btl.) "Water Purification Tablets For Purifying Drinking Water in Canteens * * * Halazone * * * (P-sulfonedichloramido-benzoic acid) Each Tablet Contains 0.004 gm. ($\frac{1}{16}$ grain) of Halazone," "Tablets Water Purification For Treating Water in Canteens * * * (p-sulfonedichloramido-benzoic acid 0.004 gm.)," or "Water Purification Tablets For Purifying Drinking Water in Canteens Halazone P-sulfonedichloramido-benzoic acid * * * Each Tablet Contains 0.004 Gm. ($\frac{1}{16}$ Grain) of Halazone."

RESULTS OF INVESTIGATION: Analysis showed that the tablets contained from 18.17 percent to 104 percent of the declared amount of halazone. The National Formulary provides that *halazone tablets* contain not less than 90 percent of the labeled amount of halazone.

LIBELED: 7-12-56, N. Dist. Ill.

CHARGE: 501 (b)—the article purported to be and was represented as "Halazone Tablets," a drug the name of which is recognized in the National Formulary, an official compendium, and its strength, while held for sale, differed from the official standard.

DISPOSITION: 8-16-56. Default—destruction.

5210. Halazone tablets. (F. D. C. No. 39461. S. No. 52-193 M.)

QUANTITY: 1,108 first aid kits, each containing 1 bottle, of *halazone tablets* at New York, N. Y.

SHIPPED: 2-24-56, from Tulsa, Okla.

LABEL IN PART: (Btl.) "100 Water Purification Tablets * * * Halazone * * * Each table contains 0.004 Gm. ($\frac{1}{16}$ grain) of Halazone with Sodium Borate and Chloride."

RESULTS OF INVESTIGATION: Examination disclosed that, in addition to the *halazone tablets*, each of the kits contained 1 bottle of insect repellent; 1 small first aid dressing, Carlisle Model; 1 box with 6 iodine swabs; 5 adhesive absorbent bandages; and 1 tube of boric acid ointment.

Analysis showed that the tablets contained from 72 to 91 percent of the declared amount of halazone. The National Formulary provides that *halazone tablets* contain not less than 90 percent of the labeled amount of halazone.

LIBELED: 9-20-56, S. Dist. N. Y.

CHARGE: 501 (b)—the strength and quality of the tablets, while held for sale, differed from the standard set forth in the National Formulary for *halazone tablets*.

DISPOSITION: 10-17-56. Consent—claimed by Dadourian Export Corp., New York, N. Y. The first aid kits were reconditioned by removal and destruction of the *halazone tablets* and the adhesive absorbent bandages and first aid dressings contained in the kits.

5211. Clinical thermometers. (F. D. C. No. 39514. S. No. 51-032 M.)

QUANTITY: 135 *clinical thermometers* at East Pasadena, Calif.

SHIPPED: 4-25-56 and 6-13-56, from New York, N. Y., by Philbern Thermometer Co., Inc.

LABEL IN PART: (Ctn.) "Philbern U-C Guaranteed fever thermometer."

ACCOMPANYING LABELING: Leaflet entitled "Certificate of Examination Clinical Thermometer."

RESULTS OF INVESTIGATION: Examination of 24 thermometers revealed that 4 thermometers failed to comply with the requirement for accuracy, one of which failed also to comply with the test for retreating index, specified in CS1-52, issued by the National Bureau of Standards of the Department of Commerce, when tested as described in CS1-52.

LIBELED: 10-11-56, S. Dist. Calif.

CHARGE: 501 (c)—the quality of the article fell below that which it purported and was represented to possess; and 502 (a)—the statement appearing in the accompanying leaflet, namely, "This thermometer has been tested and found to comply with the requirements of Commercial Standard CS1-52," was false and misleading since it was contrary to fact.

DISPOSITION: 11-13-56. Default—destruction.

DRUGS AND DEVICES ACTIONABLE BECAUSE OF FALSE AND MISLEADING CLAIMS*

5212. Black tablets and red tablets for use in the treatment of cancer. (F. D. C. No. 37908. S. Nos. 4-052/3 M.)

QUANTITY: 10 ctns., 26,332 *black tablets* each, and 4 drums, 62,900 *red tablets* each, at Portage, Pa., in possession of Hoxsey Cancer Clinic.

SHIPPED: Between 3-4-55 and 3-11-55, from Detroit, Mich.

LABEL IN PART: (Ctn.) "Hoxsey—100 SC Tablets Black Control Number 06980"; (drum) "Name Special Tablets SC Red 06949 Lactotaba [sic]."

ACCOMPANYING LABELING: The leaflets, reprints, and magazine accompanying the tablets are enumerated below, in the court's instructions to the jury.

LIBELED: 3-25-55, W. Dist. Pa.; amended, 6-5-56.

CHARGE: The tablets were charged to be misbranded under 502 (a). The charges are stated in the court's instructions to the jury and in the court's decision of 5-28-57, both set forth below.

DISPOSITION: The Hoxsey Cancer Clinic, Portage, Pa., and Dr. Newton C. Allen filed as claimants. On 4-15-55, claimants filed exceptions, a motion for a more definite statement, and a motion to dismiss. Thereafter, on 4-26-55, claimants filed a motion for an order for the protection of the parties and deponents and to quash subpoena ad testificandum and subpoena duces tecum.

On 5-18-55, the court handed down the following memorandum opinion:

MILLER, District Judge: "This is a motion and a supplemental motion 'for an Order for the Protection of the Parties Deponents and to Quash Subpoena ad Testificandum and Subpoena Duces Tecum.' As the caption indicates, this action was instituted by a libel against 10 cartons of tablets. The libel was filed March 25, 1955. A pleading entitled 'Exceptions, motion for more definite statement and motion to dismiss' was filed April 15, 1955. The questions raised by the exceptions pleading have not been decided by the court and are not discussed herein, for the reason that counsel for the deponents and for the government have agreed that the exceptions should be argued at the regular argument day of this court, rather than at the time fixed for argument of the instant motions. (R. 26). On April 19, 1955, there was filed a notice to take depositions pursuant to Fed. R. Civ. P. 30 in Room No. 3, United States Court House, Pittsburgh, Pennsylvania, (Allegheny County), upon Dr. Newton C. Allen, Senator John J. Haluska, Dr. Gertrude N. Chalmers, Dr. J. H. Benko, and Ann Shatrosky, R. N., all of Portage, Cambria County, Pennsylvania. On April 21, 1955, the above-named individuals were served with subpoenas requiring them to appear as indicated by the afore-

*See also Nos. 5202, 5204, 5207, 5211.